

Hon. Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN FLISS,

Plaintiff,

v.

IPEX, INC, a foreign corporation of
Canada; IPEX USA, LLC, a Delaware
corporation; IPEX COMPANY, a Colorado
corporation; and DOES 1 through 200,
inclusive,

Defendants.

No. 08-CV-01719 MJP

STIPULATION AND ORDER
REGARDING CONSIDERATION
OF PENDING MOTIONS

**Noted for Consideration:
May 13, 2009**

I. STIPULATION

On May 7, 2009, Defendants IPEX Inc. and IPEX USA LLC (collectively, “IPEX”) filed (1) Defendants’ Motion for Summary Judgment (Dkt. 39) with supporting declarations and exhibits; (2) Defendants’ Motion for Protective Order (Dkt. 45) with supporting declarations and exhibits; and (3) Defendants’ Motion to Strike John Fliss as Class Representative (Dkt. 48) with supporting declarations and exhibits (collectively, the “IPEX Motions”). The IPEX Motions were all noted for consideration on Friday, May 29, 2009.

1 To allow additional discovery by Plaintiff prior to preparation of Plaintiff's
2 responses to the IPEX motions, to facilitate potential settlement discussions between the
3 parties, and to coordinate discovery in this matter with discovery occurring in related
4 matters pending in other jurisdictions, the parties stipulate that the noting date for the
5 IPEX Motions should be continued to a later date. Accordingly, until IPEX files a
6 subsequent pleading re-noting the IPEX Motions for consideration, the parties
7 respectfully request that the current noting date of May 29, 2009 be stricken and that the
8 Court take no action with respect to the IPEX Motions.

9 DATED this 13th day of May, 2009.

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II. ORDER

Based on the foregoing Stipulation, Defendants' Motion for Summary Judgment (Dkt. 39); Motion for Protective Order (Dkt. 45); and Motion to Strike John Fliss as Class Representative (Dkt. 48) are hereby removed from consideration on the original noting date of May 29, 2007. The Court will take no action with respect to those motions until Defendants file a supplemental pleading re-noting the motions for consideration pursuant to Local Rule WD. Wash. CR 7(d).

IT IS SO ORDERED.

DATED this 15th day of May, 2009.



Marsha J. Pechman
United States District Judge

Presented by:

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2 **Approved as to form; Notice of presentation waived:**

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